

REMARKS

By this Amendment, claim 2 is amended to merely clarify the recited subject matter and claims 5-6 are cancelled without prejudice or disclaimer. Claims 2-3 are pending.

The cancellation of claims 5-6 renders their rejection moot; claims 2-3 were rejected under 35 U.S.C. 102(e) as being anticipated by Kamiguchi(U.S. 6,527,534). Applicants traverse the rejection of claims 2-3 because Kamiguchi fails to teach or suggest all features recited in the rejected claims. For example, the cited prior art fails to disclose, teach or suggest the claimed invention including setting, in advance, a plurality of monitoring zones at least one monitoring zone based on the pattern and the upper and lower limits of torque in each of the monitoring zones, as recited in claim 2, or the claimed invention including setting, in advance, at least one monitoring zone based on the pattern and the upper and lower limits of torque in each of the monitoring zones, as recited in independent claim 3.

Kamiguchi merely teaches that a permissible upper limit value and a permissible lower limit value are constant throughout a plurality of zones.

To the contrary, in accordance with the claimed invention, since the upper and lower limits are set separately for each of the monitoring zones, it is possible to set the permissible upper and lower limits to have a narrow range in one zone of the ejector operation and a broader range in the other zones.

In contrast, Kamiguchi fails to provide functionality that results in such flexibility. Moreover, the differences between the claimed invention and Kamiguchi are not insubstantial because they result in significantly different implementation differences since, in Kamiguchi, it is necessary to monitor a deviation from a reference load pattern throughout the entire ejector operation; as a result, the load on the control system in Kamiguchi is far greater than in the claimed invention. For this reason, Kamiguchi's implementation requires incorporation of a storage device having much greater storage capacity and a CPU having much higher processing capacity.

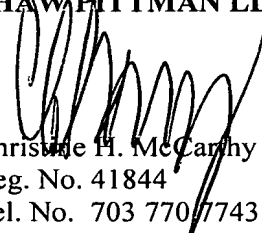
For at least these reasons, the rejection of claims 2-3 is traversed and claims 2-3 are allowable.

All objections and rejections having been addressed, Applicants request issuance of a Notice of Allowance. However, if anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner telephone their undersigned representative at the number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **033975**, under Order No. 008312-0305862. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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